G. R. S. IX-5]

Previous references.

~~1917~~ 1900

(G. 7)

File No. 98 of 1900

Serial Nos. 1-4

Later references.

P:17.

3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for 1900

SUBJECT.

Refund of Stamp-duty and penalty to one Hulappa, Chital Droog taluk.

W D 88—GPB—50,000—24-7-16

Indexed

(General Serial No. 31.)

~~189~~ 1900.

From The Deputy Commissioner Chitaldroog District

To The Secretary to the Government of Mysore General and Revenue Depts.

Dated 31st August 1900.

Despatched 1st September 1900.

Received

Enclosures No. 1-

General No. 201-
No.

Submitting for sanction a bill for Rs: 5-8-0 being the amount of Stamp duty and penalty proposed to be refunded to Shanbhoga Kulappa of Chilange Village, Chitaldroog Taluk.

Draftsman

No: 201- Ex: T.

Deputy Commissioners office
Chitaldroog District

Dated 31/4 August 1900.

To

The Secretary to the Government of Mysore,
General and Revenue Departments
Bangalore

Sir,

In submitting herewith for sanction a bill for Rs 5-8-0 being the amount of Stamp duty and penalty proposed to be refunded to Shanbhogue Hulappa of Chelangi Village, Chitaldroog Taluk, I have the honor to state that a letter written by the said individual recommending a loan to a third person and offering himself to be responsible for the amount was produced before the Munsiff of Chitaldroog in S. no: 346 of 1898. 1899 on the file of that court.

2. The Munsiff considering the letter to be a security bond, impounded it

it under section 33 (cl) 1 as it was written on plain paper, and sent it to me under cl: 2 of Section 38 of the Stamp act.

3. I concurred with the munsiff in the view taken by him with reference to this document and sent it to the Amildar and directed him to recover from the Shanbhogue the required stamp duty and penalty thereon.

4. The Shanbhogue having declined to pay up the amount, I ordered his prosecution under sec: 62 of the stamp act.

5. But subsequently to the date of my order, he produced the amount before the Amildar, and the same was credited in the Chitaldroog Taluk Treasury on 9th June 1899.

6. The prosecution against the Shanbhogue was however proceeded in the Court of the Treasury Assistant Commissioner and 1st class magistrate and the Shanbhogue was sentenced to pay a fine of Rs 20/-

7. He then prayed the Chief Court

for

for a revision of the case, in which the judgment of the lower court was set aside and the amount of fine ordered to be refunded. It was also held that the letter in question was not a security bond.

8. Under these circumstances, it is proposed that the amount of Stamp duly and penally paid by the Shanbhogue should be refunded to him.

I have the honor to be
Sir,
Your most obedient Servant

Deputy Commissioner

Draft as per orders

Section
File No
Serial No

To

The Collector
Chitaldrug Dt

Dated 26.9.00
No 2831
H276

The Collector's letter No 201 ~~Encl~~ dated 8th August 1900 submitting for sanction a refund bill in favor of Shanbhog Hulleppa of Chilanji village, Chitaldrug Taluk, for Rs 5-8-4, being the amount of Stamp duty and penalty recovered from him on a letter written by him & produced before the Munsiff of Chitaldrug in O.S. No 346 of 1898-99 in which it was considered to be a Security bond but which subsequently on the application of the Shanbhog to the Chief Court, (was held by that Court) not to be

cop'd 29/9/00

be a Security bond.

According to the above, has the honor to request that the writ be sent forward enough to furnish a copy of the Chief Justice's order referred to in the above

By order

for Sheridan

Q. 7
7 : 4 : 1900
3
Cir. No.

Submitted b/ Asst Secretary for orders—

The draft first prepared is resubmitted for approval or their orders

VL
2/11/00.

NIED[illegible]
G.A.No 2893
OCT 23 1900
[illegible]

From The Deputy Commissioner Chitaldrug District

To The Secretary to the Government of Mysore General Revenue Department Bangalore

Dated 19th October 1900

Despatched

Received

General No. 338

No.

Enclosure No. one.

With reference to his docket No. 2831 Final 276 dated 26th September last he has the honor to submit herewith copy of Chief Court's order No. 3503 dated 23rd No. 2206 October 1899.

I am accordingly Sir Your obedient servant Deputy Commissioner

Asst. Secretary

VL
21.10.00

Submitted Respectfully. H.V. 21/10/00.

R. 7. Cir 3. 21.00

No 3503
2206.

In the Chief Court of Mysore
at Bangalore

Monday the 23rd day of October
1899.

Present.

Hon'ble Justice J. W. Best. Chief Judge
and

Hon'ble Justice T. Narahari Rao Judge

Criminal Revision Petition
No. 24 of 1899-1900

Huliyappa, Petitioner (accused)
vs

The Govt. of Mysore Counter Petitioner

Petition against the
conviction and sentence
by the Treasury Assistant
Commissioner and 1st Class
Magistrate in trial of Criminal
Case No 30 of 1898-99.

This petition coming for

on for hearing, this day, the Court pronounced the following.

Order

The so called security bond (A) is nothing more than a letter recommending a loan to a third party and offering to be responsible for the value. It distinctly suggests that a bond should be taken from the party to whom the loan is to be given. It cannot in no sense be considered a "security bond", as no agreement for the loan had been come to, when it was written.

The conviction and sentence are set aside and the fine, if levied, will be refunded.

"A true Copy"

Signed V. A. Rajakariyamanikam
Registrar

"Copy"
Magistrate
Mannar

Read: —

Here under -

Letter No 201 dated 31st August 1900 from the Deputy Commissioner Chitaldrug District, Submitting a refund ~~bill for Rs 5-8-0~~ in favour of Shanbhoga Huleppa of Chelange village, Chitaldrug Taluk, for Rs: 5"8" 0

Order thereon: —

Under these circumstances ~~stated above~~, the refund bill will be passed and forwarded

A letter written by Shanbhog Huleppa recommending a loan to a third person & offering himself to be responsible for the amount has produced before the Munsif of Chitg in O.S. No. 346 of 1898-99. The Munsif considers the letter to be a security bond, unpermitted by

forwarded to the Comptroller for audit.

VL
21/9/00 Secretary

To

The Dy Comptr Chetaldrug

a Comptroller with the bill.

it has been written on plain paper & sent the same to the ~~Collector~~ Deputy Collector, who credited the Govt with the required Stamp duty & penalty. The Shanbhog declined to pay the amount & this prosecution was ordered. Subsequently he paid the amt, but the prosecution was proceeded with. The accused was sentenced to pay a fine of Rs 20/-. He applied to the Chief Court for a revision of the case. The Chief Court notwithstanding set aside the judgment but also held that the Doct in question was not a security bond.

1900-1901

GOVERNMENT OF MYSORE

FINANCIAL

PROCEEDINGS

Dated 7th November 1900

No. 3782-3 / Fl. 355

Sanctioning the refund of Rs. 5-8-0, being the amount of stamp duty and penalty imposed on Shanbhog Huleppa of Chelangi village, Chitaldrug taluk.

SBP—12-11-1900—200

READ THE FOLLOWING—

Letter No. 201, dated 31st August 1900, from the Deputy Commissioner, Chitaldrug District, to the Secretary to the Government of Mysore, General and Revenue Departments.

In submitting herewith for sanction a bill for Rs. 5-8-0, being the amount of stamp duty and penalty proposed to be refunded to shanbhog Huleppa of Chelangi village, Chitaldrug taluk, I have the honor to state that a letter written by the said individual recommending a loan to a third person and offering himself to be responsible for the amount, was produced before the Munsiff of Chitaldrug in O. S. No. 346 of 1898-99 on the file of that Court.

2. The Munsiff considering the letter to be a security bond, impounded it under Section 33 (Clause i) as it was written on plain paper, and sent it to me under Clause ii of Section 38 of the Stamp Act.

3. I concurred with the Munsiff in the view taken by him with reference to this document, and sent it to the Amildar and directed him to recover from the shanbhog the required stamp duty and penalty thereon.

4. The shanbhog having declined to pay up the amount, I ordered his prosecution under Section 62 of the Stamp Act.

5. But subsequently to the date of my order, he produced the amount before the Amildar, and the same was credited in the Chitaldrug Taluk Treasury on 9th June 1899.

6. The prosecution against the shanbhog was, however, proceeded with in the Court of the Treasury Assistant Commissioner and 1st Class Magistrate and the shanbhog was sentenced to pay a fine of Rs. 20.

7. He then prayed the Chief Court for a revision of the case, in which the Judgment of the lower Court was set aside and the amount of fine ordered to be refunded. It was also held that the letter in question was not a security bond.

8. Under these circumstances, it is proposed that the amount of stamp duty and penalty paid by the shanbhog should be refunded to him.

No. 3732-3—FL. 355, DATED BANGALORE, 7TH NOVEMBER 1900.

ORDER THEREON—A letter written by shanbhog Huleppa, recommending a loan to a third person and offering himself to be responsible for the amount, was produced before the Munsiff of Chitaldrug in Original Suit No. 346 of 1898-99. The Munsiff considered the letter to be a security bond, impounded it as it had been written on plain paper, and sent the same to the Deputy Commissioner, who directed the levy of the required stamp duty and penalty. The shanbhog declined to pay the amount, and his prosecution was ordered. Subsequently, he paid the amount, but the prosecution was proceeded with. The accused was sentenced to pay a fine of Rs. 20. He applied to the Chief Court for a revision of the case. The Chief Court not only set aside the Judgment of the lower Court but also held that the document in question was not a security bond. Under these circumstances, the refund bill will be passed and forwarded to the Comptroller for audit.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. and Rev. Depts.

To—The Deputy Commissioner, Chitaldrug District.
The Comptroller to the Government of Mysore, with the bill.

Exd.—C.V. —